

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**THERESA M. SERANO**

**Plaintiff,**

**v.**

**KYLE GOLDEN, *individually and in his  
official capacity as a member of the South  
Whitehall Township Police Department***

**and**

**JOHN/JANE DOES 1-X, *individually and  
in their official capacity as a member of the  
South Whitehall Township Police  
Department***

**and**

**SOUTH WHITEHALL TOWNSHIP**

**Defendants.**

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**DOCKET NO.: 5:21-cv-00084-JLS**

**ANSWER OF DEFENDANT, KYLE GOLDEN TO  
PLAINTIFF'S COMPLAINT WITH AFFIRMATIVE DEFENSES**

Defendant, Kyle Golden [hereinafter Answering Defendant], by and through his undersigned counsel in answer to the Complaint of Plaintiff, Theresa Serano [hereinafter Plaintiff] does aver as follows:

**JURISDICTION AND VENUE**

1. Admitted in part, denied in part. Answering Defendant admits that the Plaintiff's Complaint is premised upon the statutes and other provisions cited in the instant Paragraph but denies that Plaintiff has stated a claim thereunder.

2. Admitted. Answering Defendant admits that the Court has jurisdiction in this matter pursuant to the Statutes and principles cited in the instant Paragraph.

3. Admitted. Answering Defendant admits that venue for this action is appropriate in the Eastern District pursuant to the Statue cited in the instant Paragraph.

### **PARTIES**

4. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

5. Admitted in part, denied in part. Answering Defendant admits that, at all times relevant hereto, he was an officer with the South Whitehall Township Police Department. Answering Defendant denies the remaining averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

6. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

7. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. By way of further answer, Answering Defendant denies the remaining averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

### **PRE-DISCOVERY FACTUAL ALLEGATIONS**

8. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

9. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same

are denied.

10. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

11. Admitted.

12. Denied. Answering Defendant denies the averments of the instant paragraph as same assume disputed facts.

13. Admitted.

14. Admitted.

15. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

16. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

17. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

18. Admitted.

19. Denied. Answering Defendant denies the averments of the instant paragraph as same assume disputed facts.

20. Admitted in part, denied in part. Answering Defendant admits that he drove Plaintiff to another location. The remaining averments of the instant Paragraph are denied.

21. Denied. Answering Defendant denies the averments of the instant paragraph as same assume disputed facts.

22. Denied. Answering Defendant is without sufficient personal information or knowledge of Plaintiff's mental state which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

23. Admitted.

24. Admitted.

25. Admitted.

26. Admitted.

27. Admitted.

28. Denied. Answering Defendant denies having sexual intercourse with Plaintiff.

29. Denied. Answering Defendant denies having sexual intercourse with Plaintiff.

30. Denied. Answering Defendant denies having sexual intercourse with Plaintiff. By way of further answer, it is denied that Plaintiff was "going in and out of consciousness[.]" Further, Answering Defendant is without sufficient personal information or knowledge of Plaintiff's physical and mental state which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

31. Denied. Answering Defendant denies sexually assaulting Plaintiff. By way of further answer, it is denied that Plaintiff was "in and out of consciousness[.]"

32. Denied. Answering Defendant denies the averments of the instant paragraph as same assume disputed facts.

33. Answering Defendant admits only that the left to hotel room. The remaining averments of this instant Paragraph are denied.

34. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

35. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

36. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

37. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

38. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

39. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

40. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

41. Denied. Answering Defendant denies the averments of the instant paragraph as same assume disputed facts.

42. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

43. Denied. Answering Defendant denies the averments of the instant paragraph as same assume disputed facts.

44. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. By way of further answer, Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

45. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. By way of further answer, Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

46. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. By way of further answer, Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

47. Denied. Answering Defendant denies the averments of the instant paragraph as same assume disputed facts.

48. Denied. Answering Defendant denies the averments of the instant paragraph as

same assume disputed facts.

49. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

50. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

51. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

52. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. By way of further answer, Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

53. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

54. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

55. Denied. Answering Defendant denies sexually assaulting Plaintiff.

56. Denied. Answering Defendant denies that he was an “ill-trained police officer[.]”

By way of further answer, Answering Defendant denies sexually assaulting Plaintiff.

57. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

58. Denied. Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

59. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further Answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Further, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

60. Admitted in part, denied in part. While Answering Defendant admits that Plaintiff is seeking counsel fees and caused, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

61. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

62. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

63. Denied. Answering Defendant denies the averments of the instant Paragraph as



they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

### COUNT I

64. Answering Defendant hereby incorporates by reference the averments of Paragraphs 1-63 above as though set forth at length herein.

65. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

66. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

67. Denied. Answering Defendant denies sexually assaulting Plaintiff. By way of further answer, Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

68. Denied. Answering Defendant denies sexually assaulting Plaintiff. By way of further answer, Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

69. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

70. Denied. Answering Defendant denies sexually assaulting Plaintiff. By way of

further answer, Answering Defendant is without sufficient personal information or knowledge as to what is meant by the term ‘constructive unconsciousness[.]’

71. Denied. Answering Defendant denies sexually assaulting Plaintiff.

72. Denied. Answering Defendant denies sexually assaulting Plaintiff. By way of further answer, Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

73. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any damages of any kind.

74. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind.

75. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind.

76. Denied. Answering Defendant denies the averments of the instant Paragraph as

they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind.

77. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind.

WHEREFORE, Answering Defendant demands judgment in his favor together with any and all other relief or remedies the Court may deem just or appropriate.

## **COUNT II**

78. Answering Defendant hereby incorporates by reference the averments of Paragraphs 1-77 above as though set forth at length herein.

79. Admitted.

80. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him Constitutes a seizure or an application of force. Further, Answering Defendant denies sexually assaulting Plaintiff.

81. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any

actions or omissions either undertaken or not undertaken by him Constitutes a seizure or an application of force. Further, Answering Defendant denies sexually assaulting Plaintiff.

82. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him Constitutes a seizure or an application of force. Further, Answering Defendant denies sexually assaulting Plaintiff.

83. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him Constitutes a seizure or an application of force. Further, Answering Defendant denies sexually assaulting Plaintiff.

84. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him Constitutes a seizure or an application of force. Further, Answering Defendant denies sexually assaulting Plaintiff.

85. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him Constitutes a seizure or an application of force. Further, Answering Defendant denies sexually assaulting Plaintiff.

86. Denied. Answering Defendant denies the averments of the instant Paragraph as

they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him Constitutes a seizure or an application of force. Further, Answering Defendant denies sexually assaulting Plaintiff. Finally, Answering Defendant denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any damages of any kind.

87. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him Constitutes a seizure or an application of force. Further, Answering Defendant denies sexually assaulting Plaintiff. Finally, Answering Defendant denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any damages of any kind.

88. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

89. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

90. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

91. Denied. Answering Defendant denies the averments of the instant Paragraph as

they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind.

92. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind.

WHEREFORE, Answering Defendant demands judgment in his favor together with any and all other relief or remedies the Court may deem just or appropriate.

### **COUNT III**

93. Answering Defendant hereby incorporates by reference the averments of Paragraphs 1-92 above as though set forth at length herein.

94. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

95. To the extent that the averments of this Paragraph are addressed to Answering

Defendant or in any way implicate Answering Defendant, such averments are denied as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

96. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

97. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

98. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

99. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

100. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally,



it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

101. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

102. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

103. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either

undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

104. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

105. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

WHEREFORE, Answering Defendant demands judgment in his favor together with any and all other relief or remedies the Court may deem just or appropriate.

#### **COUNT IV**

106. Answering Defendant hereby incorporates by reference the averments of Paragraphs 1-105 above as though set forth at length herein.

107. Denied. Answering Defendant denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

108. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Additionally, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Further, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant. Finally, Answering Defendants denies having engaged in any acts of any kind which would constitute a conspiracy by and between himself and any other individuals or entities.

109. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Additionally, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Further, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant. Finally, Answering Defendants denies having engaged in any acts of any kind which would constitute a conspiracy by and between himself and any other individuals or entities.

110. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules

of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Additionally, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Further, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant. Finally, Answering Defendants denies having engaged in any acts of any kind which would constitute a conspiracy by and between himself and any other individuals or entities.

111. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Additionally, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Further, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant. Finally, Answering Defendants denies having engaged in any acts of any kind which would constitute a conspiracy by and between himself and any other individuals or entities.

112. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Additionally, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Further, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

Finally, Answering Defendants denies having engaged in any acts of any kind which would constitute a conspiracy by and between himself and any other individuals or entities.

113. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Additionally, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Further, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant. Finally, Answering Defendants denies having engaged in any acts of any kind which would constitute a conspiracy by and between himself and any other individuals or entities.

114. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Additionally, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Further, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant. Finally, Answering Defendants denies having engaged in any acts of any kind which would constitute a conspiracy by and between himself and any other individuals or entities.

115. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any

actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Additionally, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Further, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant. Finally, Answering Defendants denies having engaged in any acts of any kind which would constitute a conspiracy by and between himself and any other individuals or entities.

WHEREFORE, Answering Defendant demands judgment in his favor together with any and all other relief or remedies the Court may deem just or appropriate.

### COUNT V

116. Answering Defendant hereby incorporates by reference the averments of Paragraphs 1-115 above as though set forth at length herein.

117. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

118. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

119. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules

of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

120. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

121. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

122. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

123. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

124. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

125. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

126. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

127. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

128. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal



information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

129. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

130. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied.

131. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

132. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

133. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

134. Denied. Answering Defendant, denies the averments of the instant Paragraph as

they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

135. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

136. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules

of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

137. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

138. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal

information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

139. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

140. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph;

as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

141. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

142. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to

Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

143. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

144. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied

as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

145. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

146. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not



undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

147. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

148. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant

specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

149. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

150. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused

Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

151. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

152. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled

to any relief or remedy from Answering Defendant.

153. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

154. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denied that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

155. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denied that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

156. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant is without sufficient personal information or knowledge which would allow him to admit the averments of the instant Paragraph; as such, same are denied. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denied that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

WHEREFORE, Answering Defendant demands judgment in his favor together with any

and all other relief or remedies the Court may deem just or appropriate.

#### **COUNT VI**

157. Answering Defendant hereby incorporates by reference the averments of Paragraphs 1-156 above as though set forth at length herein.

158. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure.

159. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

WHEREFORE, Answering Defendant demands judgment in his favor together with any and all other relief or remedies the Court may deem just or appropriate.

#### **COUNT VI**

160. Answering Defendant hereby incorporates by reference the averments of Paragraphs 1-159 above as though set forth at length herein.

161. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering

Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

162. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

163. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

164. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

165. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. To the extent that the averments of this Paragraph are addressed to Answering Defendant or in any way implicate Answering Defendant, such averments are denied as Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

WHEREFORE, Answering Defendant demands judgment in his favor together with any and all other relief or remedies the Court may deem just or appropriate.

#### **COUNT VIII**

166. Answering Defendant hereby incorporates by reference the averments of Paragraphs 1-165 above as though set forth at length herein.



167. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

168. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

169. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

WHEREFORE, Answering Defendant demands judgment in his favor together with any and all other relief or remedies the Court may deem just or appropriate.

## **COUNT IX**

170. Answering Defendant hereby incorporates by reference the averments of Paragraphs 1-169 above as though set forth at length herein.

171. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

172. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

173. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally,

it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

WHEREFORE, Answering Defendant demands judgment in his favor together with any and all other relief or remedies the Court may deem just or appropriate.

### **COUNT X**

174. Answering Defendant hereby incorporates by reference the averments of Paragraphs 1-173 above as though set forth at length herein.

175. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

176. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

177. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any

actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

178. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

179. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

WHEREFORE, Answering Defendant demands judgment in his favor together with any and all other relief or remedies the Court may deem just or appropriate.

#### **COUNT XI**

180. Answering Defendant hereby incorporates by reference the averments of Paragraphs 1-179 above as though set forth at length herein.

181. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Additionally, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Further, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant. Finally, Answering Defendants denies having engaged in any acts of any kind which would constitute a conspiracy by and between himself and any other individuals or entities.

182. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Additionally, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Further, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant. Finally, Answering Defendants denies having engaged in any acts of any kind which would constitute a conspiracy by and between himself and any other individuals or entities.

WHEREFORE, Answering Defendant demands judgment in his favor together with any and all other relief or remedies the Court may deem just or appropriate.

#### **COUNT XII**

183. Answering Defendant hereby incorporates by reference the averments of Paragraphs 1-182 above as though set forth at length herein.

184. Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

182. *sic.* Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

183. *sic.* Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

184. *sic.* Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

WHEREFORE, Answering Defendant demands judgment in his favor together with any and all other relief or remedies the Court may deem just or appropriate.

#### **OTHER**

185. *sic.* Answering Defendant does not object.

186. *sic.* Admitted.

187. *sic.* Denied. Answering Defendant, denies the averments of the instant Paragraph as they constitute conclusions of law to which no response is required by the applicable Federal Rules of Civil Procedure. By way of further answer, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him subject him to any liability of any kind. Further, Answering Defendant specifically denies that any actions or omissions either undertaken or not undertaken by him caused Plaintiff any injury or damages of any kind. Finally, it is specifically denied that Plaintiff is entitled to any relief or remedy from Answering Defendant.

WHEREFORE, as to each and every Count set forth in Plaintiff's Complaint, Answering Defendant demands judgment in his favor together with any and all other relief or remedies the

Court may deem just or appropriate.

**AFFIRMATIVE DEFENSES**

1. Plaintiff fails to state a claim upon which relief can be granted.
2. Plaintiff's claims are barred by the applicable Statute of Limitations.
3. Plaintiff's claims are barred by the 11<sup>th</sup> Amendment to the United States Constitution.
4. Plaintiff is unable to meet the legal requirements for entry of declaratory and injunctive relief.
5. To the extent Plaintiff requests monetary relief, Answering Defendant is protected from liability and suit by immunities provided by the 11<sup>th</sup> Amendment to the United States Constitution, and the doctrine of qualified immunity.
6. Answering Defendant reserves the right to amend this Answer so as to assert additional affirmative defenses which may be discovered or made known during the pendency of this action.

DATE: \_\_\_\_\_

4/16/21

GEOFFREY B. GOMPERS & ASSOCIATES, P.C.

By: \_\_\_\_\_

Geoffrey B. Gompers, Esquire  
Attorney for Defendant, Kyle Golden  
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Philadelphia PA 19102  
(215) 567-6600  
[gompers@gomperslaw.com](mailto:gompers@gomperslaw.com)



GEOFFREY B. GOMPERS & ASSOCIATES, P.C.

DATE: 04-16-21

By: \_\_\_\_\_

Frank Pollock, Esquire  
Attorney for Defendant, Kyle Golden  
1515 Market Street, Suite 1650  
Philadelphia PA 19102  
(215) 567-6600  
fpollock@gomperslaw.com

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>THERESA M. SERANO</b>	:	
<b>Plaintiff,</b>	:	<b>DOCKET NO.: 5:21-cv-00084-JLS</b>
<b>v.</b>	:	
	:	
<b>KYLE GOLDEN</b>	:	
<b>and</b>	:	
<b>JOHN/JANE DOES 1-X</b>	:	
<b>and</b>	:	
<b>SOUTH WHITEHALL TOWNSHIP</b>	:	
<b>Defendants.</b>	:	

**CERTIFICATE OF SERVICE**

I, Geoffrey B. Gompers, Esquire, do hereby certify that I did serve a true and correct copy of the foregoing Answer of Defendant, Kyle Golden to Plaintiff's Complaint with Affirmative Defenses on the following individuals via ECF filing:

Paul G. Lees, Esquire  
Marshall Dennehy  
4905 W. Tilgham Street  
Allentown, PA 18104

Joshua E. Karoly, Esquire  
Karoly Law Firm, LLC  
527 Hamilton Street  
Allentown, PA 18101

GEOFFREY B. GOMPERS & ASSOCIATES, P.C.

/s/ Geoffrey B. Gompers  
\_\_\_\_\_  
Geoffrey B. Gompers, Esquire  
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